

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

WESTPORT INSURANCE COMPANY,	:	
Plaintiff	:	Civil Action No. 3:03 CV 772 (CFD)
v.	:	
	:	
RAYMOND J. LEMLEY and	:	
MAURICE LAFRENIERE,	:	
Defendants	:	

**RULING ON PLAINTIFF’S MOTIONS FOR DEFAULT JUDGMENT  
AND FOR SUMMARY JUDGMENT**

Plaintiff Westport Insurance Company (“Westport”) brought this action against attorney Raymond Lemley, insured under Westport’s Lawyers’ Professional Responsibility Insurance Policy, and against Maurice LaFreniere, Lemley’s former client who is suing him for professional negligence. The plaintiff seeks declaratory relief that it has no duty to defend or indemnify Lemley in connection with LaFreniere’s negligence suit, and that LaFreniere is not entitled to any independent recovery under the insurance policy. Westport now has moved for default judgment against the defendants and for summary judgment in its favor.

Upon review, Plaintiff’s Rule 55(b) Motion for Default Judgment [Doc. # 36] is DENIED. Plaintiff’s Rule 56(a) Motion for Summary Judgment [Doc. # 36] also is DENIED. There exist genuine issues of material fact, including whether, prior to the effective date of the policy, defendant Lemley knew or reasonably could have foreseen that his conduct or omissions might be the basis for a claim under the policy.

So ordered this \_\_\_12th\_\_\_ day of September 2005 at Hartford, Connecticut.

\_\_\_\_\_/s/ CFD\_\_\_\_\_  
**CHRISTOPHER F. DRONEY**  
**UNITED STATES DISTRICT JUDGE**